

REMARKS

Claims 1-12, 15-17, and 19-51 are currently pending in this application. The office action mailed January 10, 2005 finally rejected claims 1-8, 10-12, 15, 17, 19-32, 36-43, and 47-50. Applicant has amended Claims 9, 16, 33, 36, 44, and 50 to further clarify the subject matter of the claimed invention. New Claim 51 has been added. No new matter has been added by any of these amendments. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record.

Allowable Subject Matter:

The Office Action objected to claims 9, 16, 33-35, and 44-46 as being dependent upon a rejected base claim, but noted that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response to this objection, Applicants have amended claims 9, 16, 33, and 44 as suggested. Claims 34-37, and 45-48 depend from amended independent claims 33 and 44, respectively. The Applicants believe that claims 9, 16, 33-37, and 44-48 are now in condition for immediate allowance, and request that they be allowed to issue.

Rejection of Claim 50 Under 35 U.S.C. §112:

The Office Action has rejected Claim 50 under 35 U.S.C. §112, as being indefinite because it is unclear what is included and excluded from the open-ended list of algorithms. The Applicants thank the Examiner, and have amended claim 50, such that “analyzing a known media file” is performed using “an up-down coding identifier generating algorithm.” Applicants believe that Claim 50 as amended is non-obvious in view of the cited art. Thus, Applicants believe that claim 50 is also in condition for immediate allowance.

Rejection of Claims Under 35 U.S.C. § 103

The Office Action has further rejected claims 1-8, 10-12, 15, 17, 19-24, 27-32, 36-43, and 47-50 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,675,174 to Bolle et

al (hereafter “Bolle”) in view of U.S. Patent No. 6,460,050 to Pace et al. (hereafter “Pace”) and U.S. Patent No. 5,903,892 to Hoffert et al. (hereafter “Hoffert”). Applicants respectfully traverse this rejection.

The Applicants respectfully submit that even if the cited references could be combined, the combination does not teach or suggest all of the claim limitations. For example, claim 1 recites a method for identifying a media file. The method comprises, among other things, enabling a customer to generate a media file identifier for a known media file. The Office Action concedes that Bolle does not explicitly disclose this limitation, but claims that Pace does. Applicants respectfully submit that this is incorrect, however. Pace describes a file content classification system, which includes a digital ID generator. Figure 1 of Pace shows a depiction where an e-mail sender transmits an e-mail **which is intercepted by a filtering process/system before being forwarded to the sender.** That is, the system of Pace **has the ability to act on e-mail before the recipient ever sees the message.** See Col. 3, lines 26-31. Thus, unlike the present invention, Pace does not disclose or suggest a method that enables a customer to generate a media file identifier for a known media file.

In addition, the Office Action rejects independent claims 27 and 38 apparently also citing to Pace. However, claim 27 recites, among other things, “creating a media file identifier by analyzing a known media file **using an identifier generating algorithm selected by a customer.**” Claim 38 similarly recites, among other things, “**using an identifier generating algorithm selected by a customer.**” Pace merely describes using a hash to generate digital IDs. See Pace, Col. 3, line 44; and Col. 3, line 65-Col. 4, line 14. It is clear that Pace does not enable the customer to generate a media file identifier. It is also apparent that Pace does not disclose or suggest **using an identifier generating algorithm that is selected by a customer.** Thus, for at least these reasons, Applicants respectfully submit that the cited art does not render the claimed invention of independent claims 1, 27, and 38 obvious.

In regard to Claims 2-8, 10-12, 15, 17, 19-26, and 49 which are dependent on amended independent Claim 1, they are allowable for at least the same reasons discussed above for Claim 1.

In addition, Claims 28-32, and 39-43 depend from Claims 27 and 38, respectively, are also allowable for at least the same reasons discussed above for those independent claims.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believe that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

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Respectfully submitted,

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